

Governor's Executive Orders/Proclamations

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

*** ARIZONA LEAFY GREENS WEEK ***

[M11-410]

WHEREAS, Arizona ranks second in the United States in leafy greens production and is the winter lettuce capital of the United States; and

WHEREAS, the continued viability of this industry is important to Arizona's future and to citizens across the country who consume Arizona's leafy greens products; and

WHEREAS, Arizona leafy greens represents a \$1 billion industry in Arizona, providing an estimated 20,000 jobs state-wide; and

WHEREAS, Arizona's shippers, farmers and others came together to establish an integrated food safety program as a demonstration of their industry-wide commitment to ensuring Arizona's leafy greens are safe; and

WHEREAS, Arizona leafy greens consistently produces an abundance of nutritious and safe produce; and

WHEREAS, this safe stream of produce, from farm to fork, ensures the viability of Arizona's leafy greens industry.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 13-19, 2011 as

*** ARIZONA LEAFY GREENS WEEK ***

and call upon all citizens to reflect upon and recognize the Arizona leafy green industry during this week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

**Janice K. Brewer
GOVERNOR**

DONE at the Capitol in Phoenix on this twenty-fifth day of October in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

**ATTEST:
Ken Bennett
Secretary of State**

*** DRIVE SAFER DAY ***

[M11-411]

WHEREAS, more than 760 people were killed, and more than 50,000 people were injured in traffic accidents in Arizona in 2010; and

WHEREAS, traffic accidents are the leading cause of death for people ages 6 to 33, and young drivers, ages 15-20 years old, are especially vulnerable to death and injury on our roadways; and

WHEREAS, the Sunday after Thanksgiving is one of the busiest highway travel days of the year; and

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WHEREAS, alcohol-related accidents account for 32% of all deaths; unrestrained passengers account for 55% of the passenger deaths on the roadways; speeding was a contributing factor in 31% of all fatal accidents; and

WHEREAS, safer driving behaviors such as buckling up, driving sober, obeying traffic signs and laws, focusing completely on navigating your vehicle and responding to conditions and other roadway users, being courteous, and driving defensively would dramatically reduce the number of traffic-related accidents, injuries and deaths.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 27, 2011 as

*** DRIVE SAFER DAY ***

and call upon all citizens to help share this important message throughout our Great State.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-fifth day of October in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** TEACH FOR AMERICA WEEK ***

[M11-409]

WHEREAS, educating Arizona's children is one of the state's highest priorities; and

WHEREAS, Arizona has a significant academic achievement gap that must be closed; and

WHEREAS, Teach for America is closing the achievement gap and helping to ensure all Arizona's students have access to an excellent education; and

WHEREAS, Arizona now hosts over 1,000 Teach for America corps members and alumni who are raising the bar for academic achievement in Arizona.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 14-18, 2011 as

*** TEACH FOR AMERICA WEEK ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-fifth day of October in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** CACTUS LEAGUE HERITAGE MONTH ***

[M11-412]

WHEREAS, the history of Arizona spring training baseball dates back to 1947 with the arrival of the New York Giants to Phoenix and the Cleveland Indians to Tucson; and

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WHEREAS, the commitment to the teams' owners to pre-season preparations in the Arizona desert helped launch a tradition that spans generations of residents and visitors alike; and

WHEREAS, the Cactus League has grown to include 15 teams playing each March in ten ballparks across the Phoenix metropolitan area each year; and

WHEREAS, the full schedule of games draws an average of 1.5 million people and generates nearly a half billion dollars each year for the local economy; and

WHEREAS, the past 64 years of Major League Baseball has created a rich history now being told.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim March 2012 as

*** CACTUS LEAGUE HERITAGE MONTH ***

and urge persons young and old to take time to learn the history of Arizona's spring training baseball heritage and preserve it for future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-sixth day of October in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2011-05

State Regulatory Rule Making Review and Moratorium To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on June 30, 2012 as a notice to the public regarding state agencies' rulemaking activities.

[M11-234]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent additional and unnecessary burdens on our private sector employers and political subdivisions; and

WHEREAS, other states have since implemented regulatory reviews and moratoriums; and

WHEREAS, the economic climate in Arizona continues to challenge both those seeking employment and our employers, who are the key to increasing job opportunities in this State; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, the Legislature enacted the regulatory review and moratorium for fiscal year 2009 - 2010 by passing House Bill 2008 in the 2009 Third Special Session; and

WHEREAS, the Legislature continued the regulatory review and moratorium for fiscal year 2010 - 2011 by passing House Bill 2260 in the 2010 Second Regular Session; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2011; and

WHEREAS, the expiration of the current regulatory review and moratorium could result in a regulatory explosion detrimental to job creation and retention in this State; and

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby declare that for fiscal year 2011-2012 ending June 30, 2012, the following:

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1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rule making action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2012 or is necessary under subparagraph (c) of this Paragraph.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This Order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the corporation commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making processes.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the Office of Governor by July 29, 2011 all pending rule makings and any pending requests to the Office of Governor for rule making.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, "person", "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 30th day of June in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State